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BOOK REVIEWS

MODERN DEMOCRACIES, by James Bryce (Viscount Bryce). New York, 1921.
The Macmillan Company. Vol. I, pp. xiv, 508; Vol. II, pp. vi, 676.

This is a book that every lawyer should read and every law student should be required to read. It is the culminating work of a masterly mind that for over fifty years has been studying governments, ancient and modern,¹ and meantime the writer has had the practical advantage of holding high and responsible offices, including that of British Ambassador to the United States. Viscount Bryce speaks plainly of American national, state and municipal shortcomings in government, especially the last, but it is done in a kindly vein. He is a friend of America and gives us credit for much.²

The immense value of this book to all thinking Americans is shown by a few references to the wealth of information, political philosophy and warnings scattered throughout its 1117 pages. He says that the ultimate test of democracy is what it "has accomplished or failed to accomplish, as compared with other kinds of government, for the well being of each people."³ He points out that "The ancient world, having tried many experiments in free government, relapsed wearily after their failure into an acceptance of monarchy and turned its mind quite away from political questions" and not until the sixteenth century was any persistent effort made to win political freedom.⁴ During the long intervening centuries when a rising occurred it was for good government and not self government. "Men were tired of politics. Free government had been tried and had to all appearance failed. Despotism everywhere held the field." Bryce very pertinently asks, "Who can say that what has happened once may not happen again?"⁵ Until a few years ago Asia had always been subject to kings or tribal chieftains, however selfish or sluggish.⁶ The Grecian and Roman free institutions were due, not to theories, but to resistance to lawless oppression by a privileged class.⁷ True the American Revolution was in the name of abstract principles and the doctrine of man's natural rights,⁸ but the French Revolution was chiefly to get rid of galling privileges and then for fourteen years a military dictator was tolerated.⁹ In Germany a fifty-year contest for constitutional freedom ceased when military success in 1870 brought prosperity, even with oligarchic rule.¹⁰ In fact popular government has generally been established to get rid

¹ Vol. II, p. 122.

² Vol. II, pp. 154, 165.

³ Vol. I, p. 6. See also Vol. II, p. 358.

⁴ Vol. I, pp. 12, 27. See also Vol. II, p. 599.

⁵ Vol. I, p. 27. See also Vol. II, p. 600.

⁶ Vol. I, pp. 24, 25.

⁷ Vol. I, p. 26.

⁸ Vol. I, p. 33.

⁹ Vol. I, p. 37.

¹⁰ Vol. I, pp. 39, 40.

of grievances or obtain tangible results, and then interest in it has generally declined.¹¹ "As a rule, that which the mass of any people desires is not to govern itself but to be well governed."¹² It is conceivable that some day the process may be reversed and that impatience with the shortcomings of democracy may lead to monarchy or oligarchy.¹³

The statement in the American Declaration of Independence that all men are born equal refers to natural equality of faculties and rights, but this equality soon develops into inequality in character and capacity, and to reconcile equality as a doctrine with inequality as a fact is one of the chief problems of every government.¹⁴ Ability to read may not qualify for self government, and Bryce asks, "Will elementary schools started among the Filipinos qualify them for the independence promised after some twenty years of further tutelage?"¹⁵

A beautiful tribute is paid by Viscount Bryce to George Washington and Abraham Lincoln where he says that they furnish a tradition to all Americans of all that is highest and purest in statesmanship and unselfish patriotism and faith in the power of freedom.¹⁶ Bryce shows his faith when he says that "if you can get at the people—for that is the difficulty—things will usually go well. But the people must have time."¹⁷

The first democracy was at Athens and it was brought to an end by the Macedonian conquest; otherwise it might have contributed still more to the development of democratic institutions.¹⁸ Plato and Aristotle would have described the present Central and South American republics "as forms of Tyranny, i. e. illegal despotisms resting on military force,"¹⁹ but a change is taking place and "The General is being replaced by the Doctor of Laws, and the man of law, even if he be tricky is less dangerous than the man of the sword."²⁰

There is nothing to indicate that democracy retards or hastens the growth of science, art, learning or polite letters. These come and go from causes never yet discovered, and apparently are not affected by the form of government.²¹

The American Constitution "was virtually a new invention, a legitimate offspring of democracy, and an expedient of practical value, because it embodies both the principle of Liberty and the principle of Order."²² The only material which history furnished to the framers of the American Constitu-

¹¹ Vol. I, pp. 41, 59.

¹² Vol. II, p. 501.

¹³ Vol. I, p. 42.

¹⁴ Vol. I, pp. 61, 62.

¹⁵ Vol. I, pp. 73, 79.

¹⁶ Vol. I, p. 139.

¹⁷ Vol. I, p. 150. See also p. 452.

¹⁸ Vol. I, pp. 181, 182, 185.

¹⁹ Vol. I, p. 187.

²⁰ Vol. I, p. 207.

²¹ Vol. I, pp. 324, 325.

²² Vol. II, p. 10.

tion was from the republics of antiquity.²³ But it has been subjected to unforeseen strains and "The wonder is, not that the machinery creaks and warps, but that it has stood the strain at all."²⁴ He points out that no President, except Lincoln, has been a true orator.²⁵ Speaking of the American courts, he says, "They become what may be called the living voice of the people, because they are in each State the guardians of that Constitution through which the people have spoken and are still speaking till such time as it pleases them to amend the fundamental instrument."²⁶ American lawyers will be pleased to read Viscount Bryce's statement that "legal education is probably nowhere so thorough as in the United States."²⁷ He says, "The leading State Universities of the West are a promising offspring of popular government, repaying its parental care by diffusing a wider judgment and a more enlightened zeal for progress than is to be found elsewhere in the mass of citizens."²⁸ And again, "The number of men who have graduated in some place of higher instruction is probably ten times as large (in proportion to population) as in any part of Continental Europe, and much more than twice as large as in Great Britain. These men have done much to leaven the voting mass."²⁹

The great service that democracy has rendered and is still rendering is in preventing government from being conducted for the benefit of a class, and this struggle is unending, "for Nature is always tending to throw Power into the hands of the Few."³⁰

The above are a few of the striking facts and conclusions with which this work abounds. They have been collected during a long lifetime of experience and study. Bryce himself says that his book is to furnish facts and such explanations as may enable the readers to draw their own conclusions.³¹ As he well says, "It is Facts that are needed: Facts, Facts, Facts."³² His whole book is a monument of and to legal research for facts—a branch of knowledge that hitherto has been too much neglected. And nowhere are there richer mines of facts and opportunities for legal research than in the study of the workings and changes in American national, state and municipal governments. The future of democratic institutions throughout the world will be profoundly affected by the success or failure of those institutions in America, and the flood of light that can be thrown on the whole subject by systematic legal research, directed by the great Universities, will go far towards guiding the people towards correct conclusions.

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²³ Vol. II, pp. 3, 165.

²⁴ Vol. II, pp. 25, 26.

²⁵ Vol. II, p. 67.

²⁶ Vol. II, p. 84.

²⁷ Vol. II, p. 88.

²⁸ Vol. II, p. 97.

²⁹ Vol. II, p. 116.

³⁰ Vol. II, p. 549.

³¹ Preface, p. VIII.

³² Vol. I, p. 12.